

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CARIBBEAN TEMPORARY SERVICES, INC.

Plaintiff

vs

CIVIL 11-1165CCC

DEMOLITION ECOLOGIE LLC, ZENITH
HOLDING GROUP LLC, WILLIAM J.
MENCKLER, Jane Doe, Conjugal Partnership
Menckler-Doe, Company W (Owner of the
site in Arroyo), Company X (Owner of the site
in Ceiba), Company Y (Owner of the site in
Guaynabo), Company Z (Owner of the site in
Guayama)

Defendants

DEFAULT JUDGMENT

Before the Court is plaintiff Caribbean Temporary Services, Inc.'s ("CTS") Motion for Default Judgment upon Demolition Ecology, LLC filed on November 5, 2012 (**docket entry 19**), Motion for Default Judgment upon Zenith Holding Group, LLC (Zenith), William J. Menckler, Jane Doe and the conjugal partnership Menckler-Doe (**docket entry 27**) filed on March 22, 2012, Motion for Attorneys' Fees and Costs and Memorandum in Support filed on September 10, 2012 (**docket entry 41**), and U.S. Magistrate Judge Silvia Carreño-Coll's Report and Recommendation issued on September 20, 2012 (**docket entry 46**).

On April 25, 2012, the Court entered an Order referring plaintiff's motions for default judgment upon defendants to Magistrate Judge Carreño for a default judgment hearing (docket entry 30). After conducting the hearing on August 24, 2012, Magistrate Judge Carreño reported the following findings of fact which establish: (1) defendants are in default and thus the allegations in the complaint are deemed admitted, (2) plaintiff entered into a contract with defendant Demolition Ecology, LLC under which plaintiff would provide temporary employees for Demolition Ecology's Puerto Rico operations, (3) plaintiff provided

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those employees, but Demolition Ecologie never paid the services, (4) defendant Zenith signed an agreement with Demolition Ecologie whereby it assumed all of Demolition Ecologie's debt related to its Lafayette project in Arroyo but Zenith never paid this balance, (5) services worth \$353,396.80 were provided to Demolition Ecologie but were not paid for, (6) of the \$353,396.80, the amount of \$184,471.60 is related to the Lafayette project in Arroyo, (7) as of August 27, 2012, a total of \$161,639.84 in late charges was due, \$84,339.60 of which was related to the Lafayette project; and (8) as of August 27, 2012, plaintiff was owed damages totaling \$515,036.64, of which \$268,811.20 relate to the Lafayette project. Based on these findings of fact, Magistrate Judge Carreño recommended that judgment be entered finding Demolition Ecologie liable for \$515,036.64, plus future fees, that defendants William J. Menckler, his wife and their conjugal partnership, should also be found jointly and severally liable for the entire amount owed by defendant Demolition Ecologie, and that of the total amount Zenith should be found jointly and severally liable with Demolition Ecologie for \$268,811.20, plus late fees. Magistrate Judge Carreño also recommend that the motion for costs and attorney's fees be denied, without prejudice so that plaintiff will have the opportunity to more fully demonstrate its entitlement to them.

Having considered Magistrate Judge Carreño's Report and Recommendation (**docket entry 46**), the same is APPROVED and ADOPTED. Accordingly, plaintiff's Motions for Default Judgment (**docket entries 19 and 27**) are GRANTED and Default Judgment is hereby entered against Demolition Ecologie and William J. Menckler, his wife, and their conjugal partnership in the amount of \$515,036.64, plus future late fees, and that they be made jointly and severally responsible for the total award. Default Judgment is also entered against Zenith Holding Group, LLC making Zenith Holding Group, LLC jointly and severally responsible with the preceding said defendants for \$268,811.20 of the total amount plus

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future late fees. Plaintiff's Motion for Attorney Fees and Costs (**docket entry 41**) is DENIED, without prejudice.

SO ORDERED AND ADJUDGED.

At San Juan, Puerto Rico, on September 28, 2012.

S/CARMEN CONSUELO CEREZO
United States District Judge